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Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization
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Further revised draft resolution on dispute prevention and settlement

Working paper submitted by Sierra Leone and the United Kingdom of Great Britain and Northern Ireland

Principles for the prevention and peaceful settlement of disputes

The General Assembly,

Recalling **the purposes and principles of the Charter of the United Nations,**

Recalling, **in particular,** Article 33 of the Charter of the United Nations, and underlining the obligation of Member States to seek a solution ~~of~~**to** their disputes by peaceful means of their own choice,

Noting with appreciation the work done ~~during recent sessions~~ **since its fifty-second session by** the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization to encourage States to focus on the need to **prevent and to** settle peacefully **their** disputes ~~between them at an early stage~~ before they are likely to endanger the maintenance of international peace and security,

Emphasizing the importance of early warning in order to prevent disputes, and also emphasizing the need to promote the peaceful settlement of disputes,

Recalling the various procedures and methods **available to States** for **the** prevention ~~of disputes~~ and **the** peaceful settlement of **their** disputes ~~available to States~~, including **those provided for in Article 33 of the Charter, as well as monitoring,** fact-finding missions, goodwill missions, special envoys, observers **and** good offices~~,~~ ~~mediation, conciliation and arbitration~~;

Also recalling its previous relevant resolutions and decisions, in particular resolution 2329 (XXII) of 18 December 1967, in which it requested the Secretary-

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General to prepare a register of experts whose services States parties to a dispute might use for fact-finding in relation to the dispute, decision 44/415 of 4 December 1989, the annex to which contains a draft document on resort to a commission of good offices, mediation or conciliation within the United Nations, and resolution 50/50 of 11 December 1995, the annex to which contains the United Nations Model Rules for the Conciliation of Disputes between States,

Noting with satisfaction that, pursuant to the recommendation contained in its resolution 47/120 of 18 December 1992, the Secretary-General established a list of eminent and qualified experts ~~to~~ **for** his use in fact-finding and other missions, and that this list has recently been updated,

Further recalling that certain multilateral treaties provide for the creation of lists of conciliators and arbitrators for use by States in the settlement of their disputes,

Reaffirming the important role played by the International Court of Justice and the International Tribunal for the Law of the Sea **and other Tribunals** in the settlement of disputes between States,

1. *Urges* States ~~parties to any dispute~~ to make the most effective use of existing procedures and methods for the prevention and settlement of **their** disputes;

2. *Reaffirms* the duty of all States**, in accordance with the principles of the Charter of the United Nations,** to ~~find~~ **use** peaceful means ~~by which~~ to settle any dispute to which they are parties before such dispute is likely to endanger the maintenance of international peace and security, and encourages States to settle their ~~international~~ disputes as early as possible;

2bis. *Encourages* States to cooperate with the Secretary-General in monitoring the state of international peace and security regularly and systematically in order to provide early warning of disputes and situations which might threaten international peace and security.

3. *Takes note* of the paper prepared by the Secretariat entitled "Mechanisms established by the General Assembly in the context of dispute prevention and settlement";[1]

4. *Encourages* States to nominate suitably qualified persons who are willing to provide fact-finding services, for inclusion in the register set up by the Secretary-General pursuant to paragraph 4 of its resolution 2329 (XXII);

5. *Encourages* eligible States to also nominate suitable qualified persons to have their names included in the lists of conciliators and arbitrators provided for under certain treaties, including the Vienna Convention on the Law of Treaties and the United Nations Convention on the Law of the Sea;

6. *Requests* the Secretary-General to take such steps as he deems necessary from time to time to encourage States to designate suitable qualified persons for inclusion in the various lists referred to above which he has responsibility to maintain;

[1] A/AC.182/2000/INF/2.

7. *Reminds* States that have not ~~already~~ **yet** done so that they may at any time make a declaration under Article 36, paragraph 2, of the Statute of the International Court of Justice, with regard to its compulsory jurisdiction, and encourages them to consider doing so.